

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6665

BILL NUMBER: HB 1163

NOTE PREPARED: Jan 10, 2010

BILL AMENDED:

SUBJECT: Expungement of Records of Certain Convictions.

FIRST AUTHOR: Rep. Tincher

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that if postconviction DNA testing is favorable to a convicted person and if the court orders the release of the person, the court shall:

- (1) order that certain agencies and persons shall not release records regarding the person;
- (2) order any central repositories for criminal history to remove and destroy records concerning the person;
- (3) order any law enforcement agencies to remove and destroy records concerning the person;
- (4) seal any court records created as a result of allegations that the person committed a crime or delinquent act; and
- (5) notify the clerk of the Supreme Court to seal any records if an appeal was taken.

Effective Date: July 1, 2010.

Explanation of State Expenditures: *Summary:* The Indiana State Police (ISP) maintains the criminal history data base. Any additional staff and computer time required would likely be within their existing level of resources. The Indiana State Police report the following information on criminal history records that have access to limited criminal history.

Criminal History Files Maintained by the Indiana State Police		
Not Limited	2,150,999	99.995%
Limited Access for Noncriminal Justice Agencies	107	0.005%
Total Files	2,151,106	

ISP staff also report that they currently receive between one and three requests each month to limit access for noncriminal justice agencies.

Explanation of State Revenues:

Explanation of Local Expenditures: The bill could minimally increase costs for the court to order various agencies to expunge records of a conviction or that concern the released person, to seal records, and to make notifications to the clerk of the Supreme Court. Also, agency costs to remove and destroy records would minimally increase. [Since 1993, six people have been released through postconviction DNA testing in Indiana.]

Explanation of Local Revenues:

State Agencies Affected: State agencies maintaining criminal records.

Local Agencies Affected: Trial courts; local jails.

Information Sources: The Innocence Project.

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